



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of
Mamdani, Malik e t al.

Serial No.: 09/690,601

Filed: October 17, 2000

For: Method and System for
Facilitation of Wireless E-Commerce
Transactions

Examiner: Kambiz Abdi

Art Unit: 3621

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BRIEF ON APPEAL

This is an appeal under 37 CFR 1.191 to the Board of Patent Appeals and Interferences of the U.S. Patent and Trademark Office from the final rejection of claims 1-22 and 24-38 of the above-identified patent application in an Office Action dated July 25, 2005.

Real Party in Interest is identified on page 2 of this paper.

Related Appeals, Interferences and Judicial Proceedings are identified on page 2 of this paper.

Status of Claims is identified on page 2 of this paper.

Status of Amendments is identified on page 2 of this paper.

Summary of Claimed Subject Matter is identified beginning on page 3 of this paper.

Grounds of Rejection to be Reviewed on Appeal are identified beginning on page 6 of this paper.

Argument is identified beginning on page 6 of this paper.

Conclusion is identified on page 13 of this paper.

Appendix is identified at the end of this paper.

(1) Real Party in Interest

GTECH Global Services Corporation Limited of Larnaca, Cyprus is the owner and applicant of this patent application, and the real party in interest.

(2) Related Appeals, Interferences and Judicial Proceedings

There are no appeals, interferences or judicial proceedings related to this patent application serial no. 09/690,601.

(3) Status of Claims

Claims 1-22, and 24-38 are pending in the application.

Claims 1-22, and 24-38 are finally rejected.

Claims 1-22, and 24-38 are being appealed.

Claim 23 has been canceled without prejudice.

Each of claims 1-22, and 24-38 are shown in the Appendix attached to this Appeal Brief.

(4) Status of Amendments

Appellant has filed no amendments subsequent to the final rejection contained in the Office Action mailed July 25, 2005.

(5) Summary of Claimed Subject Matter

The present invention provides a system and method for enabling the facilitation and fulfillment of wireless e-commerce transactions in a secure and convenient manner. By displaying a transaction code on a wireless device display and optically scanning the code, the present invention enables *complete* wireless transaction processing for a desired product or service, which further enables users to bypass traditional physical world limitations associated with traditional transactions or only partially integrated e-commerce transactions. The transaction for a product or service, as described in the rental car and movie ticket examples in the specification, can involve a payment obligation on behalf of the requester (e.g., rental of a car, movie ticket payment) and a fulfillment obligation on behalf of a provider to provide the product or service (e.g., rental company provides access to the rental car, movie theater allows entrance to view the movie).

With the present invention, fulfillment of an actual wireless transaction (e.g., a purchase, sale, rental, lease, loan, borrowing, consigning, etc.) for a product or service is initiated and completed using the displayed code and an appropriate optical scanner. In one embodiment, scanning of the code from the wireless device display triggers a fulfillment event such as a physical event and/or an informational event. One type of information event is the removal of the requested product or service from being an available offering of the offering entity (e.g., a rented car is not available for rental to another, a movie ticket is not available for use by another and reduces the overall number of movie tickets so as not to exceed theater capacity). One type of physical fulfillment event is the allowance of admission to an event (e.g., a turnstile can be

released to allow a moviegoer to proceed into the theater). Thus, the invention provides a system and method which truly facilitates and fulfills wireless transactions for real-world goods and/or services.

Independent claims 1, 21, 22, 37 and 38 find support, for example, in the specification from page 7, line 25 to page 9, line 4; from page 10, line 19 to page 12, line 5; from page 13, line 17 to page 16, line 28; from page 17, line 1 to page 18, line 21; from page 21, line 16 to page 24, line 2 and in Figs. 4 and 7 and the accompanying description in the specification.

Regarding the means-plus-function elements identified in independent claim 37, appropriate support for each structure element is found, for example, as follows:

- i. “means for communicating, via a transaction apparatus, a transaction code to a wireless communication device, said code representative of a wireless transaction for a product or service requested by a transaction requester that has indicated an acceptance of an obligation to pay for said product or service”

See, for example, Figs. 4 and 7, page 13, lines 3-20 and page 23, lines 1-19.

- ii. “means for optically scanning, via said transaction apparatus, the transaction code from a visual display of the wireless communication device in fulfillment of said wireless transaction for a product or service”

See, for example, Fig. 4, page 11, lines 12-17, and page 23, lines 12-27.

- iii. “means for triggering, by said transaction fulfillment system, a wireless transaction fulfillment event in response to optically scanning said first

transaction code whereby said provider fulfills said obligation to provide said product or service and said requested product or service is received.”

See, for example, Fig. 4, the discussion from page 7, line 23 to page 14, line 13, and page 23, lines 12-27.

Regarding the means-plus-function elements identified in independent claim 37, appropriate support for each structure element is found, for example, as follows:

- i. “means for receiving, via a transaction fulfillment system, a transaction request for admission to an event from a transaction requester, said event being selected and paid for by said transaction requester in connection with said transaction request”

See, for example, Fig. 4, the discussion from page 7, line 23 to page 14, line 13, and page 23, lines 1-19.

- ii. “means for optically scanning, by said transaction fulfillment system, a transaction code from a visual display of the wireless communication device, said code representative of said requested transaction for admission to ~~an~~ said selected and paid for event”

See, for example, Fig. 4, page 11, lines 12-17, and page 23, lines 12-27.

- iii. “means for enabling fulfillment of the transaction request in response to scanning the transaction code, including triggering at least one physical fulfillment event to allow admission to said selected and paid for event”

See, for example, Fig. 4, page 6, line 28 to page 7, line 2, page 11, line 12 to page 13, line 12, and page 23, lines 12-27.

(6) Grounds of Rejection to be Reviewed on Appeal

All of the presently pending claims stand rejected under 35 USC 103(a).

Claims 1-4, 6, 10-15, 19-20, 22, 24-29 and 33-37 stand rejected under 35 USC 103(a) based on U.S. Patent Application Publication No. 2002/0004746 A1 to Ferber et al. (hereinafter "Ferber") in view of U.S. Patent No. 6,496,809 to Brett Nakfoor (hereinafter "Nakfoor").

Claims 30-32 stand rejected under 35 USC 103(a) as being unpatentable over Ferber in view of Nakfoor and further in view of U.S. Patent No. 5,590,038 to Pitroda ("Pitroda"). The Examiner has further rejected claims 5, 7-9, 16-18, 21 and 38 under 35 USC 103(a) as being unpatentable over Ferber in view of Nakfoor.

(7) Argument

Applicant submits that the Examiner has not established a prima facie case of obviousness against the independent claims 1, 21, 22, 37 and 38. The primary reference cited by the Examiner is the Ferber reference, and this reference does not teach or suggest elements claimed to be shown by the Examiner. Further, the Examiner has not addressed all of the claim elements of some of the independent claims as described below. For these reasons, Applicant respectfully submits that the present claims are allowable over the prior art of record.

THE FERBER REFERENCE

The Ferber reference is the primary reference cited by the Examiner against all of the currently pending claims. As a preliminary matter, Applicant notes that the Ferber reference may only be used to support a rejection under 35 USC 103(a) to the extent supporting subject

matter is present in the provisional application relied upon by Ferber for priority (i.e., U.S. Application Serial No. 60/198,092 filed April 17, 2000 (the '092 application)), as this is the only application with a priority date which predates Applicant's priority filing date of July 13, 2000. Applicant respectfully submits that any elements cited by the examiner from the Ferber publication which were not in the '092 application cannot be considered against Applicant's claims.

The Ferber reference cited by the Examiner describes an e-coupon channel for use with providing electronic coupon incentives based on user profiles (see abstract; paragraph [0002]). The aim of the Ferber reference is to provide and send appropriately targeted coupons to users to increase response rate, reduce fraud, and reduce administrative processing costs (see paragraph [0005]). Users of the delivered coupons present them at a location with a cash register in order to redeem the coupon (see paragraph [0025]); thus, the user does not bypass traditional real-world physical limitations when attempting to purchase a product or service according to the Ferber disclosure. Further, no payment or fulfillment obligation for a product or service is involved in Ferber, and any purchase transaction for a product or service must still be processed in the standard way.

Various elements of the independent claims are clearly not taught or suggested by Ferber, as presented below.

Independent claims 1, 22 and 37 of first claim set (1-4, 6, 10-15, 19-20, 22, 24-29 and 33-37)

Independent claims 1, 22 and 37 pertain to either a method or system for facilitating a wireless transaction involving a payment obligation on behalf of a requester and a fulfillment obligation on behalf of an entity offering a product or service.

On pages 3 and 4 of the Office Action dated July 25, 2005, the Examiner cites Ferber as showing a method and system for providing this first element as claimed. However, the Examiner cites no portion of Ferber to support this portion of claims 1, 22 and 37. Indeed, other than describing traditional sales environments for retail products (see paragraphs 0003 and 0025), Ferber teaches nothing involving transactions related to a payment obligation and a fulfillment obligation of a buyer and seller. Applicant acknowledges that this element is in the preamble of claims 1, 22 and 37; however, this preamble breathes life into the claims, as opposed to providing a statement of intended purpose, and should be considered and construed as if in the balance of the claims. See *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 1305, 51 USPQ2d 1161, 1165-1166 (Fed. Cir. 1999).

As the Examiner has not shown where Ferber shows this element of the claims, the Examiner has not made a *prima facie* case of obviousness against claims 1, 22 and 37. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. See M.P.E.P. § 2143.03. Second, there must be some suggestion or motivation to modify the reference or to combine reference teachings. See M.P.E.P. § 2143.01. Third, a reasonable expectation of success must exist. See M.P.E.P. § 2143.02. By not showing

where Ferber discloses this element of the claims, the Examiner has not met the prima facie burden.

Additionally, independent claims 1, 22 and 37 claim optically scanning a code from the visual display of a wireless device in fulfillment of the wireless transaction for the product or service. On pages 3 and 5 of the Office Action of July 25, 2005, the Examiner has cited paragraphs 0009, 0025 and 0030 of Ferber for this claim element. However, the cited segments of Ferber pertain only to redemption of a coupon. In the present invention as claimed in claims 1, 22 and 37, the *optical scanning* of the code from the wireless device display *fulfills the transaction involving a payment obligation and a fulfillment obligation*. This enables the user to avoid traditional retail infrastructure. However, scanning a code in Ferber does nothing but redeem a coupon. No fulfillment for a product or service is provided, and the Ferber system does not bypass traditional real-world infrastructure. The only mention of products and services is in the context of traditional retail system processing (see paragraphs 0003 and 0025). To the extent a purchaser in Ferber may purchase a product or service associated with the redemption of a coupon, this is no longer a wireless transaction for a product or service as claimed. There is thus no *wireless* transaction as claimed, and no *transaction fulfillment* as a result of optically scanning the code. Accordingly, Applicant reiterates that the Examiner has not set forth a prima facie case of obviousness against independent claims 1, 22 and 37.

Even further, independent claims 1, 22 and 37 claim triggering a wireless transaction fulfillment event in response to optically scanning the transaction code whereby the offering entity fulfills the obligation to provide the product or service. Claim 1 further provides that the offering

entity also removes the product or service from being an available offering of the entity. Claims 22 and 37 further add that the requested product or service is then received.

On pages 3 and 5 of the Office Action of July 25, 2005, the Examiner has cited the Ferber reference for the aspect of triggering a wireless transaction fulfillment event in response to optically scanning the transaction code. Further on pages 3 and 5 of this Office Action, the Examiner has cited the Nakfoor reference for showing the offering entity removing the product or service from being an available offering of this entity. However, the claim language which the Examiner cites Nakfoor against appears only in claim 1. Claims 22 and 37 include the claim element that *the requested product or service is received*. The Examiner has not addressed this claim element, and thus Applicant again submits that the Examiner has not established a prima facie case of obviousness of claims 22 and 37 on this point. Further as for claims 1, 22 and 37, Applicant again submits that the Examiner has not met the burden of establishing obviousness because scanning the code in Ferber does not trigger a wireless transaction fulfillment event. Scanning the code in Ferber redeems a coupon, but, again, no transaction involving a payment obligation and a fulfillment obligation is fulfilled, no product or service is received, and the customer in the Ferber reference must proceed through standard, well-known retail processes in order to fulfill a transaction for a product or service.

For these reasons with regard to claims 1, 22 and 37 of the first claim set, Applicant submits that a prima facie case of obviousness has not been established, and further that the Ferber reference, taken singly or in combination with any other reference of record, does not teach or suggest the invention as presently claimed in claims 1, 22 and 37. Applicant separately submits

that dependent claims 2-20 and 24-36 are allowable based upon being dependent from an allowable independent claim.

Independent claims 21 and 38 of third claim set (5, 7-9, 16-18, 21 and 38)

Regarding claims 21 and 38, on pages 7 and 8 of the Office Action of July 25, 2005, the Examiner has cited Ferber for (1) receiving a transaction request from a transaction requester, (2) optically scanning a transaction code from a visual display of a wireless device, the code representative of the requested transaction, and (3) enabling fulfillment of the transaction request in response to scanning the transaction code, including triggering at least one physical event. Regarding element (3), the Examiner cited paragraphs 0025 and 0030 of the Ferber reference, which Applicant again submits pertain only to redemption of a coupon. There is no discussion whatsoever in these paragraphs of triggering a physical fulfillment event, much less triggering a physical fulfillment event to allow admission to a selected and paid-for event, as presently claimed. Applicant thus submits that the Examiner's references do not adequately meet this claim element and no prima facie case has been established.

Further, on page 8 of the Office Action of July 25, 2005, the Examiner acknowledges that Ferber does not disclose that the requested transaction is for admission to an event, but cites the Nakfoor reference for purchase and redemption of tickets to attend a venue. The Examiner concludes that it would have therefore been obvious to one of ordinary skill in the art at the time of Applicant's invention "that the coupon disclosed by Ferber et al may have been used in a manner such as what is disclosed in Nikfoor [sic] for access to any type of product or service,

including admission to an event, which Nikfoor [sic] is paper or electronic based and is scanned by the venue attendants.”

Applicant submits that no prima facie case of obviousness has been established by the Examiner against claims 21 and 38. In addition to the reason stated above regarding the elements not taught by Ferber, there is no suggestion or motivation in Ferber to make the modification suggested by the Examiner. Again, Ferber is an e-coupon distribution system. Ferber is not concerned with receiving requests and payments for tickets to an event or processing event transactions by scanning codes. Ferber is directed to distributing coupons to a user's device based on the user's profile, and allowing the user to organize the coupons for use. There is no explicit or implicit reason for applying purchase and event ticket selection capabilities to the Ferber coupon distribution system. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 16 USPQ2d 1430, 1432 (Fed. Cir. 1990). Further, even if aspects of the claimed invention are individually within the capabilities of one skilled in the art at the time of Applicant's invention, there must still be an objective reason to combine the teachings of the references. See *In re Kotzab*, 55 USPQ2d 1313, 1318 (Fed. Cir. 2000).

For all of the above reasons, Applicant submits that the present claims are not shown or made obvious by any of the references of record, taken singly or in combination, and are thus allowable over the cited references. The remaining claims are dependent upon one of the amended

independent claims and it is submitted that these dependent claims are similarly allowable over the cited references.

(8) Conclusion

The prior art of record, taken singly or in combination, does not teach or suggest the present invention as presently claimed, and the Examiner has not established a prima facie case of obviousness against the independent claims 1, 21, 22, 37 and 38. Accordingly, it is respectfully requested that the Board remand this patent application back to the Examiner with the directive to issue a Notice of Allowance in this matter.

One copy of the appeal brief is being filed. The Commissioner is authorized to charge Deposit Account No. 50-0766 in the amount of \$ 500.00 required under 37 CFR 41.20(b)(2).

Respectfully submitted,
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Claims Appendix:

Claim 1. A method for facilitating a wireless transaction, said transaction involving a payment obligation on behalf of a requester and a fulfillment obligation on behalf of an entity offering a product or service to provide said product or service, comprising:

communicating a first transaction code to a wireless communication device, said code representative of a wireless transaction for a product or service requested by a transaction requester that has indicated an acceptance of an obligation to pay for said product or service;

optically scanning, by a transaction fulfillment system, the first transaction code from a visual display of the wireless communication device in fulfillment of said wireless transaction for said product or service; and

triggering, by said transaction fulfillment system, a wireless transaction fulfillment event in response to optically scanning said first transaction code whereby said offering entity fulfills said obligation to provide said product or service and removes said product or service for which said obligation has been fulfilled from being an available offering of said entity.

Claim 2. The method of claim 1 wherein communicating the first transaction code includes communicating the first transaction code from the transaction fulfillment system.

Claim 3. The method of claim 1 wherein communicating the first transaction code includes communicating the first transaction code from a radio transceiver of the transaction fulfillment system to a radio transceiver of the wireless communication device.

Claim 4. The method of claim 1 wherein communicating the first transaction code includes communicating the first transaction code from a transaction management system.

Claim 5. The method of claim 1, further comprising: verifying the first transaction code in response to scanning the first transaction code.

Claim 6. The method of claim 5 wherein verifying the first transaction code includes communicating a decoded representation of the first transaction code from the transaction fulfillment system to a transaction management system.

Claim 7. The method of claim 5, further comprising: communicating a first fulfillment verification from the transaction fulfillment system to a transaction management system after verifying the first transaction code.

Claim 8. The method of claim 7, further comprising: communicating a second transaction code to the wireless communication device after verifying the first transaction code; and verifying the second transaction code.

Claim 9. The method of claim 8, further comprising: communicating a second fulfillment verification from the transaction fulfillment system to the transaction management system after verifying the second transaction code.

Claim 10. The method of claim 8 wherein verifying the second transaction code includes communicating a decoded representation of the second transaction code from the transaction fulfillment system to a transaction management system.

Claim 11. The method of claim 8 wherein communicating the first transaction code includes communicating the first transaction code from the transaction fulfillment system.

Claim 12. The method of claim 11 wherein communicating the first and the second transaction codes includes communicating the first and the second transaction codes directly from the transaction fulfillment system to the wireless communication device.

Claim 13. The method of claim 12 wherein communicating the first and the second transaction codes directly from the transaction fulfillment system includes communicating the first and the

second transaction codes from a radio transceiver of the transaction fulfillment system to a radio transceiver of the wireless communication device.

Claim 14. The method of claim 8 wherein communicating the first and the second transaction codes includes communicating the first and the second transaction codes from the transaction management system to the wireless communication device.

Claim 15. The method of claim 8 wherein communicating the first transaction code and the second transaction code includes communicating a first transaction barcode and a second transaction barcode, respectively.

Claim 16. The method of claim 8, further comprising: communicating a message from the transaction fulfillment system to the wireless communication device after verifying the second transaction code.

Claim 17. The method of claim 16 wherein communicating the message includes communicating the message directly from the transaction fulfillment system to the wireless communication device.

Claim 18. The method of claim 17 wherein communicating the message directly from the transaction fulfillment system includes communicating the message from a radio transceiver of the transaction fulfillment system to a radio transceiver of the wireless communication device.

Claim 19. The method of claim 1, further comprising: receiving, by the transaction fulfillment system, a transaction request from the wireless communication device prior to communicating the first transaction code.

Claim 20. The method of claim 1 wherein communicating the first transaction code includes communicating a first optically scannable transaction code.

Claim 21. A method for facilitating a wireless transaction, comprising:

receiving a transaction request for admission to an event from a transaction requester, said event being selected and paid for by said transaction requester in connection with said transaction request;

optically scanning, by a transaction fulfillment system, a transaction code from a visual display of a wireless communication device, said code representative of said requested transaction for admission to said selected and paid for event; and

enabling fulfillment of the transaction request in response to scanning the transaction code, including triggering at least one physical fulfillment event to allow admission to said selected and paid for event.

Claim 22. A method for facilitating a wireless transaction, said transaction involving a payment obligation on behalf of a requester and a fulfillment obligation on behalf of a provider to provide a product or service, comprising:

receiving, by a transaction fulfillment system, a transaction request for a product or service from a transaction requester that has indicated an acceptance of an obligation to pay for said product or service;

verifying an identity of the transaction requester;

communicating a transaction code from the transaction fulfillment system to a wireless communication device after verifying the identity of the transaction requester, said code representative of said transaction requested;

optically scanning, by the transaction fulfillment system, the transaction code from a visual display of the wireless communication device in fulfillment of said transaction for a product or service; and

triggering, by said transaction fulfillment system, a wireless transaction fulfillment event in response to optically scanning said first transaction code whereby said provider fulfills said obligation to provide said product or service and said requested product or service is received.

Claim 24. The system of claim 37 wherein the transaction fulfillment system is coupled to a telecommunication network system for enabling communication with the wireless communication device.

Claim 25. The system of claim 24 wherein the transaction fulfillment system is coupled to the telecommunication network through a computer network system.

Claim 26. The system of claim 37 wherein the transaction fulfillment system is coupled to a wireless data network system for enabling communication with the wireless communication device.

Claim 27. The system of claim 26 wherein the transaction management system is coupled to the wireless data network system through a computer network system.

Claim 28. The system of claim 27 wherein the wireless data network system includes a wireless local area network system.

Claim 29. The system of claim 37, further comprising: a transaction management system coupled to the transaction fulfillment system and capable of: verifying an identity of a transaction requester.

Claim 30. The system of claim 29 wherein the transaction management system includes speech services module for audibly verifying the identity of the transaction requester.

Claim 31. The system of claim 30 wherein the speech services module is capable of receiving a spoken authentication code from the wireless communication device and authenticating the spoken authentication code.

Claim 32. The system of claim 31 wherein the speech services module include a voice authentication system for comparing the spoken authentication code to an authentic voice print.

Claim 33. The system of claim 37 wherein the transaction fulfillment system includes a code scanning device for optically scanning the transaction code.

Claim 34. The system of claim 33 wherein the code scanning device includes a bar code reader.

Claim 35. The system of claim 37 wherein the transaction fulfillment system is capable of decoding the transaction code in response to optically scanning the transaction code.

Claim 36. The system of claim 37 wherein the transaction fulfillment system and the wireless communication device each include a radio transceiver for enabling communication directly between the wireless communication device and the transaction fulfillment system.

Claim 37. A system for facilitating a wireless transaction, said transaction involving a payment obligation on behalf of a requester and a fulfillment obligation on behalf of an entity offering a product or service to provide said product or service, comprising:

means for communicating, via a transaction apparatus, a transaction code to a wireless communication device, said code representative of a wireless transaction for a product or service requested by a transaction requester that has indicated an acceptance of an obligation to pay for said product or service;

means for optically scanning, via said transaction apparatus, the transaction code from a visual display of the wireless communication device in fulfillment of said wireless transaction for a product or service; and

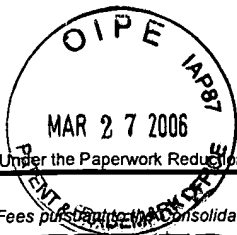
means for triggering, by said transaction fulfillment system, a wireless transaction fulfillment event in response to optically scanning said first transaction code whereby said provider fulfills said obligation to provide said product or service and said requested product or service is received.

Claim 38. A system for facilitating a wireless transaction, comprising:

means for receiving, via a transaction fulfillment system, a transaction request for admission to an event from a transaction requester, said event being selected and paid for by said transaction requester in connection with said transaction request;

means for optically scanning, by said transaction fulfillment system, a transaction code from a visual display of the wireless communication device, said code representative of said requested transaction for admission to said selected and paid for event; and

means for enabling fulfillment of the transaction request in response to scanning the transaction code, including triggering at least one physical fulfillment event to allow admission to said selected and paid for event.



PTO/SB/17 (01-06)

Approved for use through 07/31/2006. OMB 0651-0032

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2006☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 500.00**Complete if Known**

Application Number 09/690,601

Filing Date October 17, 2000

First Named Inventor Mamdani et al.

Examiner Name Kambiz Abdi

Art Unit 3621

Attorney Docket No. 033327.0022

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 50-0766 Deposit Account Name: Williams Mullen

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION** (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims		
- 20 or HP = _____ x _____ = _____		
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims		
- 3 or HP = _____ x _____ = _____		
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	_____ / 50 = _____	(round up to a whole number) x _____	= _____	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Brief on Appeal**Fees Paid (\$)**

500.00

SUBMITTED BY

Signature	<u>Thomas F. Bergert</u>	Registration No. (Attorney/Agent) 38,076	Telephone 703.760.5200
Name (Print/Type)	Thomas F. Bergert		Date March 24, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/690,601	
	Filing Date	October 17, 2000	
	First Named Inventor	Mamdani et al.	
	Art Unit	3621	
	Examiner Name	Kambiz Abdi	
Total Number of Pages in This Submission	22	Attorney Docket Number	033327.0022

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Postcard Return Receipt
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Williams Mullen		
Signature			
Printed name	Thomas F. Bergert		
Date	March 24, 2006	Reg. No.	38,076

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: <i>Mail Stop Appeal Brief</i>			
Signature			
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